

SENATE BILL 920

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P1

2004 Regular Session
4r3110

By: **Senators Hughes, Conway, Della, Gladden, and Jones**
Introduced and read first time: March 8, 2004
Assigned to: Rules
Re-referred to: Education, Health, and Environmental Affairs, March 11, 2004

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 26, 2004

CHAPTER _____

1 AN ACT concerning

2 **State Government - Office of Legislative Audits - Baltimore City Board of**
3 **School Commissioners**

4 FOR the purpose of requiring the Office of Legislative Audits to ~~audit~~ conduct certain
5 audits of the Baltimore City Board of School Commissioners (Board) to
6 investigate whether there has been certain wrongdoing by the Board; requiring
7 the employees of the Office of Legislative Audits to have access to certain
8 records of the Board under certain circumstances; authorizing the Legislative
9 Auditor to report to the Attorney General any alleged criminal violation by a
10 person discovered during the course of an audit; requiring the Attorney General
11 to keep a certain report of an alleged criminal violation confidential under
12 certain circumstances; authorizing the Attorney General to investigate and
13 prosecute any alleged criminal violation reported by the Legislative Auditor
14 under certain circumstances; authorizing the Attorney General to exercise all
15 the powers and duties of a State's Attorney to investigate and prosecute certain
16 alleged criminal violations under certain circumstances; and generally relating
17 to an audit of the Baltimore City Board of School Commissioners.

18 BY adding to
19 Article - State Government
20 Section 2-1220(f)
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 2003 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

1

Article - State Government

2 2-1220.

3 (F) (1) IN THIS SUBSECTION, "BOARD" MEANS THE BALTIMORE CITY BOARD
4 OF SCHOOL COMMISSIONERS.

5 (2) THE OFFICE OF LEGISLATIVE AUDITS SHALL ~~AUDIT~~ CONDUCT AN
6 AUDIT EVERY 2 YEARS OF THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS
7 TO DETERMINE WHETHER THERE HAS BEEN WRONGDOING ON THE PART OF THE
8 BOARD OR ITS EMPLOYEES.

9 (3) AN AUDIT CONDUCTED BY THE OFFICE OF LEGISLATIVE AUDITS
10 UNDER PARAGRAPH ~~(1)~~ (2) OF THIS SUBSECTION SHALL INVESTIGATE WHETHER
11 THERE HAS BEEN ANY WRONGDOING BY THE BOARD, INCLUDING:

12 (I) NEGLIGENCE;

13 (II) GROSS NEGLIGENCE;

14 (III) MALFEASANCE;

15 (IV) MISFEASANCE;

16 (V) NONFEASANCE;

17 (VI) CRIMINAL INTENT; OR

18 (VII) CRIMINAL ACTIONS.

19 (4) EXCEPT AS PROHIBITED BY FEDERAL LAW, DURING AN AUDIT, THE
20 EMPLOYEES OF THE OFFICE OF LEGISLATIVE AUDITS SHALL HAVE ACCESS TO AND
21 MAY INSPECT THE RECORDS OF THE BOARD, INCLUDING THOSE THAT ARE
22 CONFIDENTIAL BY LAW, WITH RESPECT TO ANY MATTER UNDER THE JURISDICTION
23 OF THE OFFICE OF LEGISLATIVE AUDITS.

24 (5) (I) IF THE LEGISLATIVE AUDITOR DISCOVERS ANY ALLEGED
25 CRIMINAL VIOLATION BY A PERSON DURING THE COURSE OF AN AUDIT, THE
26 LEGISLATIVE AUDITOR MAY REPORT THE ALLEGED VIOLATION TO THE ATTORNEY
27 GENERAL.

28 (II) UNLESS THE ATTORNEY GENERAL DECIDES TO PROSECUTE AN
29 ALLEGED CRIMINAL VIOLATION REPORTED UNDER SUBPARAGRAPH (I) OF THIS
30 PARAGRAPH, THE ATTORNEY GENERAL SHALL KEEP THE REPORT OF THE
31 LEGISLATIVE AUDITOR UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH
32 CONFIDENTIAL.

33 (III) THE ATTORNEY GENERAL:

